

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

ROD E. TERRY,)	Civil Action No. 7:12-cv-00135
Petitioner,)	
)	ORDER
v.)	
)	By: Hon. Michael F. Urbanski
COMMONWEALTH OF)	United States District Judge
VIRGINIA, <u>et al.</u>,)	
Respondents.)	

In accordance with the written Memorandum Opinion entered this day, it is hereby

ORDERED

that petitioner's petition for writ of habeas corpus is **DISMISSED without prejudice** for failing to exhaust state court remedies; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to petitioner.

Entered: March 22, 2012

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge